# 8

Atty. Docket No. 42.P12154

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Application of:	) Examiner:	To be Assigned
	Michael J. Payne, et al.	Art Unit:	To be Assigned
Appli	cation No.: 09/965,230	)	
Filed:	September 25, 2001	) )	
For:	COLOR AS A VISUAL CUE IN SPEECH-ENABLED APPLICATIONS	) )	FAX RECEIVED SEP 0 3 2003
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	nissioner for Patents		PETITIONS OFFICE
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Alexa	ndria, VA 22313-1450		

### PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a) FOR FAILURE TO RECEIVE OFFICE COMMUNICATION

Dear Sir or Madam:

In response to the Notice of Abandonment mailed July 23, 2003 for failure to timely respond to a Decision on Petition, Applicants submit the present Petition for Withdrawal of Holding of Abandonment under 37 C.F.R. §1.181(a).

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Kindly consider the following Remarks.

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#### **REMARKS**

Applicants in the above-identified application received a Notice of Abandonment for Failure to Timely Reply to a Decision on Petition. The Notice of Abandonment was mailed July 23, 2003. Applicants respectfully request withdrawal of the holding of abandonment because Applicants failed to receive the Decision on Petition until August 23, 2003.

MPEP §711.03(c) II permits an allegation that an Office communication was never received to be considered in a petition to withdraw a holding of abandonment. Applicant's representative must include a statement that Applicant's representative never received the Office communication. Applicant's representative must attest to the fact that Applicant's representative performed a search of the file jacket and docket records, and that the searches indicate that the Office communication was not received. Applicant's representative must attach to the statement a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. Applicant's representative must make reference to the attached docket record.

#### Statement Showing Non-Receipt of Decision on Petition

In response to a Notice to File Missing Parts, Applicants' representative filed a Petition Under Rule (47)(a) on February 13, 2002. Applicants' representative then received a Notice of Abandonment dated July 23, 2003 for failure to respond to a Decision on Petition (Paper No. 6) mailed December 11, 2002.

Applicants' representative performed a search of the file jacket and docket records looking for the Decision on Petition. The search indicated that Applicants' representative did not receive the Decision on Petition.

Applicants' representative telephoned the Office of Petitions and informed the Examiner that Paper No. 6 was never received. The Examiner and Applicants' representative then determined that Paper No. 6 was mailed to the wrong address. The Examiner faxed Paper No. 6 to Applicants' representative on August 18, 2003.

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Art Unit:

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Paper No. 6 gave Applicants two months to file a Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a). There are two mailing dates shown on Paper No. 6: May 20, 2002 and December 11, 2002. It is not clear whether the Examiner intended the period for reply to begin running on May 20, 2002 or December 11, 2002 thus Applicants' representative has attached a copy of the docket record for July 20, 2002 (Exhibit A) and February 11, 2003 (Exhibit B), two months from May 20, 2002 and December 11, 2002, respectively. The docket records indicate that the Decision on Petition was not docketed for either date.

Accordingly, Applicants' representative respectfully requests that because the Decision on Petition was not received that the Petition for Withdrawal of Holding of Abandonment under 37 C.F.R. §1.181(a) be granted.

#### CONCLUSION

The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 24t. 3, 2003

Jan Carol Little

Customer No. 008791 12400 Wilshire Boulevard, Seventh Floor Los Angeles, California 90025 206-292-8600

**CERTIFICATE OF TRANSMISSION** 

I hereby certify that this correspondence is being sent by facsimile to (703) 308-6916, addressed to Examiner Wan Laymon, Box DAC, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22323-1450 on Date of Transmission September 3, 2003

Christina Fernandez

(Typed or printed name of person transmitting paper)

(Signature of person ransmitting paper)

# **EXHIBIT** A

Country Reference Client Number er Number Docket Attorneys: ' Date 1,201,670 NZ 7/20/2002 76990 951 GWH France 93451514 7/20/2002 02118 T088FRA1 SWS LNB MJT 3271/85, Logi 7/20/2002 05390 981SIN Singapore (ashton-tate), 3272/85, Log 7/20/2002 SWS LNB MJT 05390 981SIN2 Singapore (ashton-tate), 82225 P0600CAN B-H ESH Canada 2154327 7/20/2002 24050 G003 NZ California Enterprise Le 7/20/2002 of Oklahoma, 205101/95 42390 P5908JPN EHT Japan 7/20/2002 97700268 SWS LNB MJT france 7/20/2002 11951 951FRA SWS LNB MJT 622040 11951 951BNX benelux 7/20/2002 96790 P227 ESH 5,895,209 7/20/2002 5,895,758 P001 JCS 7/20/2002 02997 P080 RWB 5,896,063 7/20/2002 55123 B-H CSL 5,896,495 82225 P0851c 7/20/2002 7/20/2002 P073 LJV 5,926,475 81862 5,926,639 7/20/2002 82225 P0569c B-H ESH 7/20/2002 82771 P212 wws 5,926,458 P001 JHS 5,926,624 7/20/2002 02541 5,925,377 7/20/2002 03116 P001 WTB 42236 P037 RWB 5,926,409 7/20/2002 PI9903878 03239 P021BR wws Brazil 7/20/2002 P9344 EHT JXL 747,617 7/20/2002 42390 7/20/2002 42390 P9712 EHT 745,248 7/20/2002 42390 P9949 EHT JXL 747,618 EHT JXL 747,612 42390 P9948 7/20/2002 JHS 745,257 7/20/2002 04957 P001X

· Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
7/20/2002	03918	P002c	RWB WEA		745,033
7/20/2002	42390	P9784	EHT JYG		745,638
7/20/2002	42390	P8388PCT	ЕНТ МЈМ МЈТ	PCT	US01/01576
7/20/2002	42390	P7433	EHT JCL		745,336
7/20/2002	15685	P065	GDC JYG		745,343
7/20/2002	42390	P10074	ЕНТ JYG	<del></del>	745,335
7/20/2002	42390	P10074	EHT JYG		745335
7/20/2002	04148	P015PCT	ALM MJM SKW	PCT	US01/09107
7/20/2002	80398	P119TW	JHS	Taiwan - ROC	121280
7/20/2002	04711	P004PCT	RWB MJT	PCT	US01/11416
7/20/2002	04887	P567PCT	MAB ROR SKW	PCT	US01/12905
7/20/2002	42390	P7837PCT	EHT LJV MJT	PCT	US01/10385
7/20/2002	06326	P001PCT	TNF	pct	US01/40588
7/20/2002	05510	P061z	JYG	<u> </u>	306,719
7/20/2002	04298	T002	DFA NZ		226,344
7/20/2002	42390	P12317Z	ЕНТ		307,099
7/20/2002	04162	P005Z	MJM		306,693
7/20/2002	05396	P002Z	RWB WEA		306,800
7/20/2002	42390	P12317z	EHT GRL		307,099
7/20/2002	04148	p030	ALM		933,620
7/20/2002	04800	p008	TVN		933,786
7/20/2002	04800	p006	TVN		933,847
7/20/2002	82225	P0011GBR	B-H ESH	United Kingdom	2194657
7/20/2002	42390	P0273GBR	ЕНТ	United Kingdom	2195294
7/20/2002	82225	P0701EPO	B-H ESH	EPO	95307474.7

• Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
7/20/2002	03918	P002c .	RWB WEA		745,033
7/20/2002	42390	P9784	EHT JYG		745,638
7/20/2002	42390	P8388PCT	ЕНТ МЈМ МЈТ	PCT	US01/01576
7/20/2002	42390	P7433	EHT JCL		745,336
7/20/2002	15685	P065	GDC JYG		745,343
7/20/2002	42390	P10074	EHT JYG		745,335
7/20/2002	42390	P10074	EHT JYG		745335
7/20/2002	04148	P015PCT	ALM MJM SKW	PCT	US01/09107
7/20/2002	80398	P119TW	лнs	Taiwan - ROC	121280
7/20/2002	04711	P004PCT	RWB MJT	PCT	US01/11416
7/20/2002	04887	P567PCT	MAB ROR SKW	PCT	US01/12905
7/20/2002	42390	P7837PCT	EHT LJV MJT	PCT	US01/10385
7/20/2002	06326	P001PCT	TNF	pct	US01/40588
7/20/2002	05510	P061z	JYG		306,719
7/20/2002	04298	T002	DFA NZ		226,344
7/20/2002	42390	P12317Z	EHT		307,099
7/20/2002	04162	P005Z	МЈМ		306,693
7/20/2002	05396	P002Z	RWB WEA		306,800
7/20/2002	42390	P12317z	EHT GRL		307,099
7/20/2002	04148	p030	ALM		933,620
7/20/2002	04800	p008	TVN		933,786
7/20/2002	04800	p006	TVN		933,847
7/20/2002	82225	P0011GBR	B-H ESH	United Kingdom	2194657
7/20/2002	42390	P0273GBR	EHT	United Kingdom	2195294
7/20/2002	82225	P0701EPO	B-H ESH	EPO	95307474.7

Country Reference Client Number Maner Number Docket Attorneys: · Date 00122623.2 EPO 7/20/2002 b0701EPOd B-H ESH 82225 97308298.5 EPO 82225 P1974EPO B-H ESH 7/20/2002 98953772.5 7/20/2002 82225 P2797EP B-H ESH EPO 98953773.3 EPO B-H ESH MJT 7/20/2002 82225 P2798EP United Kingdom 8921264.1 22 82225 P0064GBR B-H ESH 7/20/2002 GDC MJT PCT US01/31123 7/20/2002 15685 P065PCT EPO 99934176.1 wws 03239 P009EP 7/20/2002 Canada 2094474 wws P001CAN 78114 7/20/2002 608238 EHT CMN JYG 7/20/2002 42390 P8484 Hong Kong 92000588.0 B-H ESH P0013HKG 7/20/2002 82225 1992 9290416-8 B-H ESH Singapore 7/20/2002 82225 P0013SIN B-H ESH United Kingdom 2204767 P0013GBR 7/20/2002 82225 1316611 ESH Canada 7/20/2002 82225 P0059CAN ESH Taiwan - ROC NI-65653 82225 P0208ROC 7/20/2002 686324 ESH Australia 82225 P0596AUS 7/20/2002 **ESH** Singapore 9609319-0 82225 P0838SIN 7/20/2002 2294181 P2880CA B-H ESH Canada 82225 7/20/2002 19980891.0 P2880DE B-H ESH Germany 7/20/2002 82225 P3514353.3 ESH Germany 87700 911FRG 7/20/2002 1320585 P0047CAN B-H ESH Canada 7/20/2002 82225 1320587 Canada P0073CAN B-H ESH 7/20/2002 82225 1320586 B-H ESH Canada 7/20/2002 82225 P0065CAN Canada 1320600 P0159CAN JCS 7/20/2002 04860 1320588 Canada B-H ESH P0063CAN \* 7/20/2002 82225 Canada 1320584 7/20/2002 82225 P0045CAN B-H ESH

Country Reference Client Number Number Docket Attorneys: · Date 2154327 B-H ESH Canada 7/20/2002 82225 P0600CAN SKW Canada 2359672 7/20/2002 04068 P008CA 525 of 1994 Hong Kong 7/20/2002 82225 P0064HKG B-H ESH EHT Hong Kong 74 /1993 P0273HK 7/20/2002 42390 9290586-8 42390 P0273SIN EHT Singapore 7/20/2002 B-H ESH Singapore 9190612-3 7/20/2002 82225 P0011SIN 156013 B-H ESH Korea 82225 P0319KOR 7/20/2002 608894 P0018AUS B-H ESH Australia 7/20/2002 82225 609519 Australia P0008AUS B-H ESH 7/20/2002 82225 G009 RWB 7/20/2002 55123 RWB G009 7/20/2002 55123 TNF SKW Canada 7/20/2002 03498 P030CA 631,240 LNB 62545 T014 7/20/2002 US01/44090 PCT P006PCT TCW SKW 7/20/2002 04259 PCT US01/50808 EHT SKW 7/20/2002 42390 P9843PCT NI-073297 Taiwan - ROC 7/20/2002 42390 P1743ROC EHT MJM LNB MWH 189,870 04112 T049usa9 7/20/2002 US01/49733 PCT WWS MJT 7/20/2002 03927 p010PCT Brazil PI0010602-0 EHT ALM 7/20/2002 42390 P4742BR 5,926,572 7/20/2002 51876 P256 ESH 9490025-5 2 P0064SIN B-H ESH Singapore 7/20/2002 82225 PCT US02/02836 SKW KDT 42390 P10980PCT 7/20/2002 194,801 ESH MWH 7/20/2002 02726 T011 330,456 **GWH** 05056 T003 7/20/2002 EPO 00921901.5 01340 P010EP SKD EHT 7/20/2002

Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
7/20/2002	04259	P011PCT	TCW SKW	PCT	US02/05204
7/20/2002	96790	P151	ESH		5,389,215
7/20/2002	03471	T015	RWB LNB		856,832
7/20/2002	04138	T022USA17	NZ LMS		134,507
7/20/2002	04138	T022USA2	NZ LMS		134,509
7/20/2002	04795	T002	ESH		162,363
7/20/2002	04259	P014PCT	TCW EHT SKW	PCT	US02/05206
7/20/2002	04259	P012PCT	TCW SKW	PCT	US02/05715
7/20/2002	02998	p017PCT	JHS SKW	PCT	US02/05288
7/20/2002	17480	P018	ESH		5823831
7/20/2002	04906	p063	DMD GAP		102,461
7/20/2002	04906	p086	DMD JMD		102,456
7/20/2002	42390	P5780d	EHT		102,319
7/20/2002	42236	P069x	RWB GLF		102,117
7/20/2002	42390	P6737BR	EHT MJM MLW	Brazil	PI0014597-1
7/20/2002	04887	P677PCT	MAB SKW	PCT	US02/07925
7/20/2002	04259	P015PCT	TCW SKW	PCT	US02/08543
7/20/2002	15685	P093PCT	GDC MJT	PCT	US02/08945
7/20/2002	42390	P5731DE	EHT JHS	Germany	19983589.6
7/20/2002	82225	P0013GBR	B-H ESH	United Kingdom	2204767
7/20/2002	82225	P0013HKG	B-H ESH	Hong Kong	92000588.0 1992
7/20/2002	82225	P0013SIN	B-H ESH	Singapore	9290416-8
7/20/2002	82225	P0059CAN	ESH	Canada	1316611
7/20/2002	82225	P0208ROC	ESH	Taiwan - ROC	NI-65653
7/20/2002	82225	P0596AUS	ESH	Australia	686324

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Country Reference: Maner Number Docket Attorneys: Client Number ' Date 551,307 JHS LXT PAM 7/20/2002 03792 P008 118,134 P014 DMD ADL 7/20/2002 06468 524182 P1016 JYG 7/20/2002 04203 PCT US01/03372 JHS MJM SKW P001xPCT 7/20/2002 02821 179713/94 B-H ESH JSM Japan 82225 P0481JPN 7/20/2002 RWB TVN 039,205 P102 55123 7/20/2002 2204767 United Kingdom P0013GBR B-H ESH 7/20/2002 82225 China WFH NZ RDM 7/20/2002 82234 10-1995-0028 B-H ESH JXL Korea 7/20/2002 82225 P0564KOR WWK 405,370 P016 7/20/2002 03929 97915880.5 EPO EHT 7/20/2002 42390 P3380EP E-20000755 JHS SSH AEH Indonesia 7/20/2002 80398 P156c8ID 95943003.4 EPO EHT JPW 7/20/2002 42390 P2583EPO P003x2d JCS 766,184 02344 7/20/2002 WFH MWH NZ Israel 7/20/2002 82234 M017 EHT GDC 468,606 42390 P12795 7/20/2002 JPW SKW PCT US02/16166 P001PCT 7/20/2002 05642 069,028 P390 ESH 7/20/2002 15675 ESH JSM 191,203 P020 7/20/2002 03455 505,335 P140 JCS SSL 7/20/2002 03764 909,529 EHT (TMM) 7/20/2002 42390 P11563 EHT JFT SMD 229,592 7/20/2002 42390 P5578 P664 658,362 MAB 7/20/2002 04887 883,770 JPW TTN 7/20/2002 05306 p031 Korea 10-2000-700: 7/20/2002 P5319KR EHT KMS 42390

Client Number Country Reference: er Number Docket Attorneys: · Date JHS KGS 961655 7/20/2002 80398 P082 EHT WTK Korea 10-2000-7006 42390 P5085KR 7/20/2002 452,885 EHT PAM 7/20/2002 42390 P5803c EHT WWK MJL 670,472 7/20/2002 42390 P7052d EHT TCW 692951 P5367D 7/20/2002 42390 P5469 EHT (LVN) 169,866 7/20/2002 42390 662365 P2757c2 EHT JCS MGP 7/20/2002 42390 780,948 P11547c EHT (KJC) GRL 7/20/2002 42390 303,469 EHT JHS (SPS) 7/20/2002 42390 P6661 439,945 P3966C EHT JPW 7/20/2002 42390 752,906 EHT FEA 42390 P10357 7/20/2002 347,240 P287 ESH 96790 7/20/2002 859,042 JCS SSL 03764 P106 7/20/2002 EHT BEV 844,728 7/20/2002 42390 P5994c 378,053 42390 P6638d EHT MAB TCW 7/20/2002 752,549 7/20/2002 51876 P220 ESH JSM PCT US01/40446 P8975PCT EHT JYG SKW 42390 7/20/2002 561409 7/20/2002 42390 P8975 EHT JYG 878,097 P001x RAB JYG 7/20/2002 05207 P001 828,511 7/20/2002 05207 RAB JYG PCT US01/31532 EHT MJT 42390 P9820PCT 7/20/2002 704,380 EHT (HAS) P9820 7/20/2002 42390 US01/31440 PCT P9804PCT EHT SKW 7/20/2002 42390 704,392 P9804 EHT 42390 7/20/2002 PCT US01/31440 EHT SKW 7/20/2002 42390 P9804PCT

09/03/03 16:36 FAX 206 292 8606 BST&Z **2**017 Country Reference Maner Number Docket Attorneys: Client Number Date PCT US01/48712 TCW SKW 7/20/2002 04259 P017PCT 734,535 P017 TCW EHT 04259 7/20/2002 PCT US01/07216 SKW 7/20/2002 42390 P7303PCT 534,187 EHT GRL JPW 7/20/2002 42390 P7303 G044 JHS LMS Bahrain 7/20/2002 03660 P556 TMC JSM 746,258 56301 7/20/2002 US01/31253 SKW PCT P11615PCT 7/20/2002 42390 US01/31253 PCT P11615PCT EHT 42390 7/20/2002 0706710 - Ge EPO P048EP SMD 7/20/2002 04315 69423891.0 EPO 02076590.5 P0741EPO B-H ESH 82225 7/20/2002 02076567.3 EPO P0741EPOd B-H ESH 7/20/2002 82225 China - PRC 3240973 LNB SWS LMS 70452 T332CN 7/20/2002 JPW SKD 820,516 7/20/2002 05306 p008 JРW 820,336 05306 p025 7/20/2002 JPW 820,329 05306 p024 7/20/2002 JPW RAB 818,015 05306 p013 7/20/2002 JPW SKD 968,458 05306 p049 7/20/2002 089117510 P7575TW EHT JHS AAJ Taiwan 7/20/2002 42390

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# **EXHIBIT B**

Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
2/11/2003	01207	P001c4	DEO EHT		269,364
2/11/2003	02020	T001	LNB		2037599
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02240	P133	TNF		726,994
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	<del></del>
2/11/2003	02312	T029AU	SWS LNB GWH MJT	Australia	761883
2/11/2003	02388	P001X2JPN	GWH FEA	Japan	500787/96
2/11/2003	02396	T024	LNB		125,504
2/11/2003	02396	T039	LNB MWH		293,514
2/11/2003	02396	Т022	LNB MWH		125,830
2/11/2003	02512	T007CO	WFH	Colombia	229257
2/11/2003	02659	P011	GDC		5,903,892
2/11/2003	02821		JHS TMC LMS	Canada	
2/11/2003	02821		JHS TMC LMS	Singapore	
2/11/2003	02894	T002ISV3	WFH NZ	British Virgin Islands	1594
2/11/2003	02982		ALM LNB LMS	Canada	
2/11/2003	02986	P011	JCS ROR		6,519,742
2/11/2003	02986	P006	JCS		6,519,754
2/11/2003	03047		ЕНТ		Audit letter

Number Client Number Country · Date Docket Attorneys: Reference: 2/11/2003 P001c4 DEO EHT 01207 269,364 02020 T001 LNB 2037599 2/11/2003 2/11/2003 02209 P006 TMC WEH 847,630 2/11/2003 02209 P006 TMC WEH 847,630 P006 TMC WEH 2/11/2003 02209 847,630 2/11/2003 02240 P133 TNF 726,994 02252 LNB DFA Iran 2/11/2003 2/11/2003 02252 LNB DFA Iran 2/11/2003 SWS LNB GWH MJT Australia 761883 02312 T029AU 500787/96 2/11/2003 02388 P001X2JPN **GWH FEA** Japan 2/11/2003 02396 T024 LNB 125,504 2/11/2003 02396 T039 LNB MWH 293,514 T022 LNB MWH 2/11/2003 02396 125,830 Colombia 2/11/2003 02512 T007CO WFH 229257 2/11/2003 02659 P011 GDC 5,903,892 2/11/2003 02821 JHS TMC LMS Canada 2/11/2003 02821 JHS TMC LMS Singapore 2/11/2003 02894 T002ISV3 WFH NZ British Virgin Islands 1594 2/11/2003 02982 ALM LNB LMS Canada P011 JCS ROR 6,519,742 2/11/2003 02986 02986 P006 JCS 6,519,754 2/11/2003 03047 EHT 2/11/2003 Audit letter

Date	Client Number	Maner Number	Docket Attorneys:	Country	Reference
2/11/2003	03099	P004c	GDC PAP		262,144
2/11/2003	03242	P009	LJV TAV		668,011
2/11/2003	03242	P027	LJV JAS		419,386
2/11/2003	03242	P009	LJV TAV		6,518,787
2/11/2003	03324	P009	ALM		5088081
2/11/2003	03348	P001c	JCS LW		057,710
2/11/2003	03350	T002	DFA		592116
2/11/2003	03358		NZ FEA	Canada	
2/11/2003	03358		NZ FEA	Canada	
2/11/2003	03358	P002	FEA NZ		6,518,998
2/11/2003	03364	P039	ESH SXL		512394
2/11/2003	03399	p112	JMB		292,281
2/11/2003	03401	P002d7c1	JCS KGS		295,269
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